**ORIGINATING APPLICATION - SPENT CONVICTIONS ACT - EXEMPTION ORDER**

[*MAGISTRATES/YOUTH*] **select one** COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

**……………………………………………………………………………………………………………Full name**

**Applicant**

**Attorney-General for the State of South Australia**

**First Respondent**

**Commissioner of Police**

**Second Respondent**

**Minister for Human Services**

**Third Respondent only displayed if Exemption Order Application working with or caring for vulnerable people**

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| Applicant |  |
| **Full Name**  |
| Name of law firm/solicitor**If any** |  |  |
| **Law Firm** | **Responsible Solicitor** |
| Address for service |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

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| First Respondent  | Attorney-General for the State of South Australia  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

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| --- | --- |
| Second Respondent  | Commissioner for Police  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

**Next box only complete if applicable otherwise mark as N/A**

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| --- | --- |
| Third Respondent  | Minister for Human Services  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

**Provision for multiple**

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| --- | --- |
| Interested Party |  |
| **Full Name**  |
| Address |  |
| **Street Address (including unit or level number and name of property if required)** |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

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| **Application Details****Mark appropriate sections below with an ‘x’**Matter type: ……………………………………………………………………………………………….This Application is for [ ] 1. **provision for multiple** the following conviction[*s*] or finding[*s*] of guilt to be exempted for the purposes of the screening[*s*] indicated below:* + - ………………………………………………………..**name of the offence**under section ………………… of the Act / Regulation / Other **Circle one** as recorded by ………………………………………………………

……………………………………….**Court where the conviction recorded or finding of guilt was made** on …………………………..**date**that became spent on …………………………..**date;****this date is the date the finding of guilt was made if the conviction was immediately spent pursuant to section 4(1a) of the *Spent Convictions Act 2009**** + - for which the Court imposed ………………………………………………………………………………

………………………………………………………………………………………………....**details of penalty*** + - for the purposes of:

[ ] working with, or caring for, vulnerable people.[ ] activities associated with a character test.……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………. **details of any further information the Applicant would like to submit in support of the application (circumstances and seriousness of offence, the circumstances of the Applicant, etc.** **The decision to make an order under section 13A of the *Spent Convictions Act 2009* is at the discretion of the qualified Magistrate. The matters that a qualified Magistrate must have regard to when deciding whether to make an order are set out in section 13A(6) of the *Spent Convictions Act 2009*. Please include in your Application any matters under section 13A(6) that may be relevant to your Application.**Has an Application been made to exempt [*any of*] the above conviction[*s*] or findings of guilt in the past two years?[ ] Yes[ ] No**following item displayed if ‘yes’**The Application was to exempt : **provision for multiple**[ ] ………………………………………………………………….**name of the offence**under section ………**number** of the ………………………………………………………………………..**Act/Regulation/other** as recorded by ……………………………………………………………..**Court where the conviction recorded or finding of guilt was made**on ……………………………………**date**[ ] The Application was made on ………………………**date**[ ] The Application was refused on ………………………**date**[ ] ………………………………………………………………………………………………………………..………………………………………………………………………………………………………………..……………………………………………………………………..**any further information the Applicant considers relevant**This Application is made under section 13A of the *Spent Convictions Act 2009.*The Applicant seeks orders that: **Orders sought in separately numbered paragraphs.** [ ] 1. The conviction[*s*] set out in paragraph 1 be exempted from the screening for the purposes of working with, or caring for, vulnerable people / and / activities associated with a character test **Circle one**[ ] 2. ………………………………………………………………………………………………………………………..……………………………………………………………………………………………………………………………………………………………………………………………………………………………..…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………This Application is made on the grounds set out in the accompanying Affidavit sworn by ………………………………………………………**name**on …………………………..**date** |

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| **Accompanying Documents****Mark appropriate sections below with an ‘x’**Accompanying this Application is a:[ ] Supporting Affidavit **mandatory** [ ] National Police Certificate processed within 6 months before the date of filing this application **mandatory** [ ] Copy of any transcript or sentencing remarks in connection with the conviction **mandatory if available**  |

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| **To the Applicant** * Regulation 5A of the *Spent Convictions Regulations 2011* provides the details and accompanying documents that an application under section 13A of the *Spent Convictions Act 2009* must set out or include. Please ensure that you have all the required details and accompanying documents in your application.
* You do not need to attend the hearing unless you are notified to do so by the Registrar.
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| **To the Other Parties: WARNING**A qualified Magistrate is empowered to exercise a discretion pursuant to sub-clause 5(2) of Schedule 2 of the *Spent Convictions Act 2009* to conduct all or part of this proceeding on the basis of the documents in chambers unless a Respondent intervenes. If you wish to intervene and request a hearing in these proceedings you must file a Form 55 Response within 14 days after being served with this Application. |

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| **Service**The party filing this document is required to serve it on all other parties in accordance with the Rules of Court. |